

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION BY

CITY UTILITIES COMMITTEE

02- *R* -1901

**A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF FIVE THOUSAND DOLLARS AND 00/100 (\$5,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE CLEAR CREEK CSO FACILITY ON OCTOBER 13, 2002 PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City has experienced a violation of Fecal Coliform Operational Standards as set out in Exhibit "A" hereto; and

**WHEREAS**, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT Paragraphs XI.D.1; and

**WHEREAS**, the Department of Watershed Management of the City does not dispute the fact this violation of CSO Fecal Coliform Operational Standards did occur; and

**WHEREAS**, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

**WHEREAS**, funds for this purpose are available in account number 2J01-529017-M51001; and

**WHEREAS**, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

**WHEREAS**, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.



NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

**Section One:** That the Chief Financial Officer of the City is authorized to issue checks in the amounts of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00) payable to the **State of Georgia** and Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

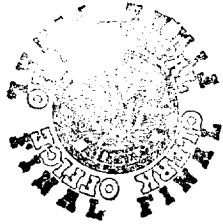
**Section Two:** That the said payments be chargeable to Account Number 2J01 529017 M51001.

A true copy,

*Shonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

NOV 04, 2002  
NOV 08, 2002



## EXHIBIT A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.1 as follows:

**Section XI.D.1. Fecal Coliforms between 8,000 and 32,000 colonies per 100 ml, May - October**

Date	Facility	Colonies/100 ml	Penalty	Comment
10/13/02	Clear Creek CSO	13,000	\$5,000	Inadequate Sampling

RCS# 4209  
11/04/02  
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871  
02-R-1885; 02-O-1879  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11/08/02 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-1730	34. 02-R-1827
2. 02-O-1733	35. 02-R-1828
3. 02-O-1734	36. 02-R-1829
4. 02-O-1891	37. 02-R-1830
5. 02-O-1537	38. 02-R-1831
6. 02-O-1550	39. 02-R-1832
7. 02-R-1587	40. 02-R-1833
8. 02-R-1893	41. 02-R-1834
9. 02-R-1857	42. 02-R-1835
10. 02-R-1858	43. 02-R-1836
11. 02-R-1883	44. 02-R-1837
12. 02-R-1901	45. 02-R-1838
13. 02-R-1851	46. 02-R-1839
14. 02-R-1852	47. 02-R-1841
15. 02-R-1729	48. 02-R-1842
16. 02-R-1910	49. 02-R-1843
17. 02-R-1846	50. 02-R-1844
18. 02-R-1862	51. 02-R-1845
19. 02-R-1626	
20. 02-R-1855	
21. 02-R-1876	
22. 02-R-1815	
23. 02-R-1816	
24. 02-R-1817	
25. 02-R-1818	
26. 02-R-1819	
27. 02-R-1820	
28. 02-R-1821	
29. 02-R-1822	
30. 02-R-1823	
31. 02-R-1824	
32. 02-R-1825	
33. 02-R-1826	
Consent I Vote: 13 Yeas; 0 Nays (See RCS #4209)	
Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879	
(Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)	

02-1901

(Do Not Write Above This Line)

A RESOLUTION BY CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA IN THE AMOUNT OF FIVE THOUSAND DOLLARS AND 00/100 (5,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT CLEAR CREEK CSO FACILITY ON OCTOBER 13, 2002 PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING: AND FOR OTHER PURPOSES.

ADOPTED BY

NOV 04 2002

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_

Committee City Utilities  
Date Oct. 29, 2002  
Chair Clair Muller  
Action: \_\_\_\_\_  
Fav, Adv, Held (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Held (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

NOV 04 2002

MAYOR'S ACTION

*Shirley Franklin*  
NOV 08 2002